

AMENDED IN SENATE JUNE 29, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1395**

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**Introduced by Assembly Member Torrico**

February 27, 2009

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~~An act to add Section 39601.3 to the Health and Safety Code, relating to air pollution. An act to add Section 3005 to the Penal Code, relating to parole.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1395, as amended, Torrico. ~~State Air Resources Board: regulations. Parole: conditions.~~

*Existing law authorizes the imposition of various conditions on persons released from prison on parole. Under existing law, one of the conditions imposed upon a prisoner released on parole is that the prisoner agree to be subject to search or seizure by a parole officer or other peace officer at any time of the day or night, with or without a search warrant and with or without cause. If the prisoner does not agree to that condition of release, he or she loses worktime credits earned and may not be released from prison until he or she agrees to that condition or the entire term of imprisonment has expired, as specified.*

*This bill would, instead, require that any person being released on parole who was not committed to prison for a registerable sex offense, a serious felony, a violent felony, or any felony that directly or indirectly involved violence or the threat of violence, and who does not have a prior conviction for a serious or violent felony, be released on parole with only two conditions. Specifically, this bill would provide that an eligible parolee shall agree in writing to be subject to search or seizure*

*and submit to random drug testing by a parole officer or other peace officer at any time of the day or night, with or without a search warrant and with or without cause. This bill would provide that any eligible inmate who does not agree in writing to those conditions shall lose worktime credit earned pursuant to specified provisions on a day-for-day basis and shall not be released until he or she either agrees in writing to these conditions or has no remaining worktime credit, whichever occurs first.*

~~Existing law creates the State Air Resources Board and gives to the state board various duties relating to reducing emissions of air pollutants, including emissions of greenhouse gases.~~

~~This bill would require the state board to make available to the public all changes to draft regulations proposed for adoption by the state board. The state board would also be required to ensure that all public workshops undertaken pursuant to a regulatory development and implementation process are recorded by an appropriate method, and made available for public review.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 3005 is added to the Penal Code, to read:  
2     3005. (a) Notwithstanding any other provision of law, any  
3     inmate released on parole on or after June 1, 2009, who is not  
4     required to register as a sex offender pursuant to Chapter 5.5  
5     (commencing with Section 290) of Title 9 of Part 1, who was not  
6     committed to prison for a serious felony, as defined in Section  
7     1192.7, a violent felony, as defined in Section 667.5, or any other  
8     felony that directly or indirectly involved violence, and who does  
9     not have a prior conviction for a serious or violent felony, shall  
10    be released on parole with only two conditions; that he or she  
11    agree in writing to be subject to search or seizure by a parole  
12    officer or other peace officer at any time of the day or night, with  
13    or without a search warrant and with or without cause, and that  
14    he or she agree in writing to submit to random drug testing by a  
15    parole officer or other peace officer at any time of the day or night,  
16    with or without a search warrant and with or without cause.  
17    (b) Any inmate subject to release pursuant to subdivision (a)  
18    who does not agree in writing to those conditions shall lose

1 *worktime credit earned pursuant to Article 2.5 (commencing with*  
2 *Section 2930) of Chapter 7 on a day-for-day basis and shall not*  
3 *be released until he or she either agrees in writing to that condition*  
4 *or has no remaining worktime credit, whichever occurs first.*

5 *(c) Nothing in this section prohibits or limits any authority to*  
6 *prosecute and punish a person released pursuant to subdivision*  
7 *(a) for the commission of a new crime while released on parole.*

8 **SECTION 1.** ~~Section 39601.3 is added to the Health and Safety~~  
9 ~~Code, to read:~~

10 39601.3. ~~(a) The state board shall make available to the public~~  
11 ~~all changes to draft regulations proposed for adoption by the state~~  
12 ~~board, including, but not limited to, making this information~~  
13 ~~available on its Internet Web site and distributing the information~~  
14 ~~through list serves. The deletions from the previous proposal shall~~  
15 ~~be made in strikeout form and the additional language shall be~~  
16 ~~made in underline form to clearly indicate the manner in which~~  
17 ~~the new proposal differs from the previous proposal.~~

18 ~~(b) The state board shall ensure that all public workshops~~  
19 ~~undertaken pursuant to a regulatory development and~~  
20 ~~implementation process are recorded by an appropriate method,~~  
21 ~~and made available for public review.~~